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**5 Attorney for Defendants
N.F. and Angelo Ferrara**

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

11 CORY SPENCER, an individual;
12 DIANA MILENA REED, an
individual; and COASTAL
13 PROTECTION RANGERS, INC., a
California non-profit public benefit
corporation;

Plaintiffs,

v.

13 LUNADA BAY BOYS; THE
14 INDIVIDUAL MEMBERS OF THE
15 LUNADA BAY BOYS, including but
16 not limited to SANG LEE, BRANT
17 BLAKEMAN, ALAN JOHNSTON aka
18 JALIAN JOHNSTON, MICHAEL
19 RAE PAPAYANS, ANGELO
20 FERRARA, FRANK FERRARA,
21 CHARLIE FERRARA, and N.F.; CITY
OF PALOS VERDES ESTATES;
CHIEF OF POLICE JEFF KEPLEY, in
his representative capacity; and DOES 1
- 10.

Defendants.

Case No. 2:16-cv-02129-SJO-RAO

Assigned to District Judge:
Hon. S. James Otero; Courtroom: 10C
@ 350 W. First Street, L.A., CA 90012

**Assigned Discovery:
Magistrate Judge: Hon. Rozella A. Oliver**

**DECLARATION OF MARK C.
FIELDS IN SUPPORT OF
DEFENDANT ANGELO FERRARA'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

[Filed concurrently with Notice, Motion and Points and Authorities For Partial Summary Judgment; [Proposed] Separate Statement of Uncontroverted Facts; [Proposed] Order]

Date: August 21, 2017

Date: August 21
Time: 10:00 a.m.

Time: 10:00 a.m.
Ctrm: 10C; Hon. S. JAMES OTERO

Complaint Filed: March 29, 2016
Trial: November 7, 2017

DECLARATION OF MARK C. FIELDS

I, Mark C. Fields, do hereby declare and state as follows:

3 1. I am an attorney duly admitted to practice in all courts of the State of
4 California. I am a member of Law Offices Of Mark C. Fields, APC, attorney of
5 record for Angelo Ferrara. I submit this Declaration in support of the Motion by
6 Angelo Ferrara for Partial Summary Judgment. I have personal knowledge of the
7 following facts, and could and would competently testify thereto.

8 2. Please find attached hereto as Exhibit A true and correct copies of
9 select excerpts of the deposition transcript of Plaintiff Cory Eldon Spender's
10 deposition conducted on October 11, 2016.

11 3. Please find attached hereto as Exhibit B true and correct copies of
12 select excerpts of the deposition transcript of Plaintiff Diana Milena Reed's
13 deposition conducted on October 24, 2016.

14 4. Please find attached hereto as Exhibit C true and correct copies of
15 select excerpts of the deposition transcript of Plaintiff Diana Milena Reed's
16 deposition conducted on October 25, 2016.

17 5. Pursuant to Local Rule 7-3, I met on July 14, 2017 with Plaintiffs'
18 counsel Kurt Franklin, Samantha Wolff, and Vic Otten and discussed the substance
19 of this Motion and potential resolution. Also participating were other counsel for
20 other of the Individual Defendants.

21 I declare under penalty of perjury under the laws of the United States of
22 America that the foregoing is true and correct and that this declaration was executed
23 on July 24, 2017 at Los Angeles, California.

/s/ Mark C. Fields
Mark C. Fields

EXHIBIT A

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION

4
5 CORY SPENCER, an individual;) Case No.
6 DIANA MILENA REED, an) 2:16-cv-02129-SJO-RAO
7 individual; and COASTAL)
8 PROTECTION RANGERS, INC., a)
9 California non-profit public)
10 benefit corporation,)
11)
12 Plaintiffs,)
13)
14 v.)
15)
16 LUNADA BAY BOYS; THE)
17 INDIVIDUAL MEMBERS OF THE)
18 LUNADA BAY BOYS, including)
19 but not limited to SANG LEE,)
20 BRANT BLAKEMAN, ALAN JOHNSTON)
21 aka JALIAN JOHNSTON, MICHAEL)
22 RAE PAPAYANS, ANGELO FERRARA,)
23 FRANK FERRARA, CHARLIE)
24 FERRARA and N.F.; CITY OF)
25 PALOS VERDES ESTATES;)
26 CHIEF OF POLICE JEFF KEPLEY,)
27 in his representative)
28 capacity; and DOES 1-10,)
29)
30 Defendants.)
31)

32

33 DEPOSITION OF CORY ELDON SPENCER
34 Los Angeles, California
35 Tuesday, October 11, 2016

36 Reported by:
37 Carmen R. Sanchez
38 CSR No. 5060

39 Page 1

1 A Yes.

2 Q Okay.

3 How many times?

4 A I can't recall a specific number, but I
5 can tell you that, of course, you see it in magazines.
6 You want to see it in person; and, you know, you want
7 to go and investigate, I guess, for lack of a better
8 term; so, you just drive up and check it out.

9 Q Are you able to estimate for me how many
10 times you went to Lunada Bay before you turned 20?

11 A Oh, before I turned 20? If I were to
12 give you an estimation, probably four to five times.

13 Q Okay.

14 During any of the four or five times you
15 went there before you turned 20, did you experience
16 anything that made you fearful of Lunada Bay?

17 MR. FRANKLIN: Vague and ambiguous.

18 THE WITNESS: Fearful? Just going there I was
19 in fear. Just driving up the Palos Verdes Peninsula
20 road, you know, or whatever road it is to get up there,
21 you're a little afraid because you've heard stories.

22 MS. HEWITT: Okay.

23 Q During the four or five times you went
24 to Lunada Bay before you turned 20, did you experience
25 anything that made you fearful of Lunada Bay?

1 A Let me back up.
2 Q Sure.
3 A I had my boards each time but ...
4 Q When you were -- before you were 20?
5 A Yes.
6 Q Okay. So you had your boards, but you
7 didn't surf?
8 A Correct.
9 Q That's fine. And between that time and
10 January 2016, did you ever surf at Lunada Bay?
11 A No.
12 Q Okay.
13 Between those four to five times and
14 January 2016, did you go to Lunada Bay?
15 A Yes.
16 Q Okay.
17 About how many times?
18 A Four to five.
19 Q Between the time you were 20 and the
20 time January 2016?
21 A Oh, oh, I'm sorry.
22 Q That's okay.
23 A I thought we were back.
24 Q No.
25 A How many times after I was 20 and, then,

1 on the board or something like that, and I don't know
2 who that was. From what I remember, I don't think they
3 were currently a member of them, but they used to be.
4 I don't remember who it was.

5 Q Okay.

6 Put that right to the side because I'm
7 going to ask you some more questions about this E-mail.

8 A Which one?

9 Q The one we just looked at. Yeah, put
10 that off, because I'm going to come back to that.
11 Going back real briefly to the complaint on page 13,
12 following the February 2016 visit to Lunada Bay, did
13 you ever return to Lunada Bay and attempt to surf?

14 A No.

15 Q Did you ever return to Lunada Bay and --
16 at all after that time?

17 A I have, yes.

18 Q All right.

19 How many times?

20 A Anywhere from three to five.

21 Q Okay.

22 On each of those visits, did you go down
23 to the beach?

24 A No. Up on the bluff only.

25 Q Okay.

1 EXAMINATION

2 BY MR. FIELDS:

3 Q My name is Mark Fields. I represent
4 Angelo Ferrara and N.F. Let's talk about
5 Angelo Ferrara first. Of all the types of wrongful
6 conduct that you've alleged, whether it's physical
7 harassment, yelling, screaming, throwing dirt,
8 videoing, or intimidating in any fashion, are you aware
9 of any incidents where Angelo Ferrara has done that?

10 MR. FRANKLIN: Vague and ambiguous; compound.

11 THE WITNESS: Well, I mean, you know, I don't
12 know specifically quite how to answer that in
13 specifics, other than to say that, you know, he's been
14 identified as a Bay Boy through investigation counsel's
15 done; and whether or not he's part of that concerted
16 effort that I spoke about earlier today, either on the
17 phone, if he was on the other end of the phone, I don't
18 know if he's one of the Bay Boys that contributed to
19 any of that.

20 BY MR. FIELDS:

21 Q So you have no personal knowledge of
22 that, of Angelo engaging in any of those activities?

23 A Well, like I said, I don't know if he
24 was one on the phone or on the other end of the line
25 that contributed, you know, to when they would show up

1 and get in your face with a video or yell at you. I
2 don't know if he was one that would show up. I don't
3 know.

4 Q Would you recognize him if you saw him?

5 A I would not.

6 Q How about N.F.? Do you have any
7 knowledge, personal knowledge, of him engaging in any
8 of those types of activities you've alleged?

9 A Again, my same answer.

10 Q Now, going beyond personal knowledge,
11 other than what you've learned from your counsel, have
12 you had any discussions with anyone else regarding any
13 type of wrongful activity by Angelo Ferrara?

14 A All I can tell you is this, that on more
15 than one occasion even in uniform on duty I've had
16 people come up to me -- I don't know who they are. The
17 last time was on a burglary call in a perimeter where I
18 was standing on a street corner. Somebody came up to
19 me on a bike. I don't know who he was. Thanked me up
20 and down. As, you know, I'm telling the guy, "Hey, I'm
21 busy here," you know, he's thanking me for what I've
22 been doing on the lawsuit. This has been going on too
23 long. All of those guys you got named in there are --
24 and even more are dirty involved in it.

25 Q Do you know who?

1 A That was the last time, and there's been
2 a few of those.

3 Q Do you know the names of any of those
4 people who gave you those "kudos," for lack of a better
5 word?

6 MR. FRANKLIN: Asked and answered.

7 THE WITNESS: I do not.

8 BY MR. FIELDS:

9 Q Of the people who gave you those kudos
10 and said, "Thank you for doing this. The Bay Boys are
11 bad," however you want to phrase it, did any of them
12 specifically mention Angelo Ferrara?

13 A That's a name that keeps coming up as
14 one of the more prominent names who has been involved
15 over the years. Like I said, I can't identify to you a
16 Ferraro -- Ferrara from the next Ferrara, but that is a
17 very popular name associated with the Bay Boys through
18 casual conversations that I have had from people
19 thanking me in the surfing community for doing what I'm
20 doing.

21 Q And the people who thanked you, they
22 haven't distinguished one Ferrara from the next to you?

23 A No. Just the name. It's synonymous
24 with that place.

25 Q With -- take a look at the supplemental

1 disclosures. I forget what exhibit that is. It was
2 marked, I think, before I got here.

3 MR. WORGUL: Thirty-four.

4 BY MR. FIELDS:

5 Q Thirty-four, plaintiff's supplemental
6 disclosures, No. 28 makes a reference to "the
7 Ferraras."

8 A We're on page 28?

9 Q No, Witness 28. We're on page 10.

10 MR. FRANKLIN: The number.

11 BY MR. FIELDS:

12 Q And it's regarding reference to
13 Jim Russi, R-u-s-s-i.

14 A Do you want me to read that section?

15 Q I'll read it. I have a question about
16 in that paragraph, it says (as read):

17 "Plaintiffs are informed and
18 believe and on that basis allege that
19 this witness [Jim Russi] has information
20 regarding the illegal activities of the
21 Lunada Bay Boys including the Ferraras."

22 Do you know what information Mr. Russi
23 has regarding the Ferraras?

24 A I personally don't. Through
25 investigation through counsel, what they learned, that

1 information.

2 Q And you don't know which Ferrara it is
3 referenced in 28?

4 A In reference to what you just read?

5 Q Yes.

6 A I do not specifically, no.

7 Q Now, I think the only other time that I
8 noticed a Ferrara being mentioned is on 60, the
9 Witness 60 page 19.

10 A Okay.

11 Q And Ken Claypool, that's someone who you
12 know; correct?

13 A That is one who I had met two times and
14 just on a very informal basis, when you say, "know";
15 so, it's relative.

16 Q I appreciate that.

17 Then it says (as read):

18 "This witness will testify about
19 several incidents of harassment at
20 Lunada Bay involving Individuals such as
21 Brant Blakeman and possibly one or more of
22 the Ferraras."

23 Do you know what information
24 Ken Claypool has regarding the Ferraras?

25 A I do not.

1 Q Other than what you've heard sort of
2 informally from people that you've met who haven't
3 identified themselves and information you have received
4 from your counsel, do you have any information
5 regarding wrongful conduct by Angelo Ferrara or N.F.?

6 MR. FRANKLIN: Vague and ambiguous.

7 BY MR. FIELDS:

8 Q Wrongful conduct of the type alleged in
9 this complaint?

10 A Again, it goes back to original, when we
11 started out. I don't know if they were on the other
12 end of that phone or if they were the ones showing up
13 in those numbers on the bluff. So, I -- I can't give
14 you an answer "Yes" or "No." I don't know.

15 MR. FIELDS: I have no further questions.

16

17 EXAMINATION

18 BY MR. WORGUL:

19 Q Mr. Spencer, my name is John Worgul.
20 I'm counsel for Brant Blakeman.

21 Just real quickly, what's your height
22 and weight?

23 A My height and weight?

24 Q Yeah.

25 A Five-two, 115 at my last physical.

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EXHIBIT B

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION

4
5 CORY SPENCER, an individual; DIANA)
6 MILENA REED, an individual; and)
7 COASTAL PROTECTION RANGERS, INC., a)
8 California non-profit public benefit)
9 corporation,) Case No.
10) 2:16-cv-02129-SJO-RAO
11 Plaintiffs,)
12)
13 vs.)
14)
15 LUNADA BAY BOYS, et al.,)
16)
17 Defendants.)
18)
19)
20
21
22
23
24 REPORTED BY:
25 Jimmy S. Rodriguez
 CSR No. 13464

Page 1

Hahn & Bowersock, A Veritext Company
800.660.3187

1	sentence it says you wanted to paddle out to	11:49
2	experience the large waves found off Lunada Bay.	11:49
3	In this sentence in your complaint here,	11:49
4	did you mean that you wanted to go out and try to	11:49
5	surf or you just wanted to paddle off to -- paddle	11:49
6	out to see what the waves looked like?	11:49
7	MR. FRANKLIN: Vague and ambiguous.	11:49
8	THE WITNESS: I wanted to paddle out to	11:49
9	surf.	11:49
10	BY MS. HEWITT:	11:49
11	Q Did you intend to surf?	11:49
12	A I did intend to surf, yes.	11:49
13	Q Did you feel prepared that day to catch a	11:49
14	big wave, whatever you thought was a big wave that	11:49
15	day?	11:49
16	A I felt prepared that day to attempt to	11:49
17	catch some of the waves on the inside for the	11:49
18	conditions that were out that day.	11:49
19	Q How did you decide to go to Lunada Bay	11:49
20	that day?	11:49
21	A I don't remember specifically how I	11:49
22	decided to go to Lunada Bay that day. I would	11:50
23	assume that the swell -- there was a good swell and	11:50
24	it wasn't, you know, too big, you know, and it was a	11:50
25	size that was something that I could try and	11:50

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1	attempt.	11:50
2	Q I think earlier we decided that we weren't	11:50
3	sure whether or not you'd been to Lunada Bay before	11:50
4	that day.	11:50
5	A I didn't say that.	11:50
6	Q My fault.	11:50
7	Had you been to Lunada Bay before	11:50
8	January 29, 2016?	11:50
9	A I had been to the top of the bluff.	11:50
10	Q Top of the bluff, okay.	11:50
11	Do you remember -- is it like towards the	11:50
12	beginning of January, middle of January?	11:50
13	A It was towards the beginning of January.	11:50
14	I think that it was around the 6th of January	11:50
15	approximately.	11:50
16	Q And before that time on approximately the	11:50
17	6th of January, had you ever been to the top of the	11:50
18	bluff at Lunada Bay before?	11:50
19	A I don't think so. I may have at one point	11:51
20	driven up the coast looking at the coast, but I	11:51
21	don't know if I stopped at Lunada Bay or not. And	11:51
22	that wasn't for surfing. It was for scenic reasons.	11:51
23	Q Okay. Just to be clear so I don't get it	11:51
24	wrong again: Before January 6, 2016, had you ever	11:51
25	been down to the beach at Lunada Bay?	11:51

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1	A I didn't go down to the beach on	11:51
2	January 6th.	11:51
3	Q I understand that, I'm just making sure	11:51
4	before that date you had never gone to the beach	11:51
5	there?	11:51
6	A No.	11:51
7	Q And had you ever stopped at Lunada Bay at	11:51
8	all before January 6, 2016?	11:51
9	MR. FRANKLIN: Asked and answered.	11:52
10	THE WITNESS: Yeah, I may have when I was	11:52
11	looking at the coast, I don't know.	11:52
12	BY MS. HEWITT:	11:52
13	Q Okay. So in January 6, 2016, where did	11:52
14	you stop on the bluff?	11:52
15	A I went there to watch my friend surf.	11:52
16	Q Who was that?	11:52
17	A It was a big day. Much too big for me.	11:52
18	So I just went there to watch.	11:52
19	Q Who was your friend?	11:52
20	A Well, my friend Jordan Wright, boyfriend,	11:52
21	and his friends.	11:52
22	Q Who was his friends that you went to	11:52
23	watch?	11:52
24	A One of them was my friend Preston, I don't	11:52
25	remember his last name. A friend of Jordan's called	11:52

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1	A	So I can't say one way or the other.	13:10
2	Q	I'm not asking you to say one way or the	13:10
3		other. I'm asking you to state if right now you	13:10
4		have a memory of being intimidated by someone on top	13:10
5		of the bluff.	13:10
6		MR. FRANKLIN: Vague and ambiguous.	13:10
7		THE WITNESS: I would have to think about	13:10
8		it more, I just don't know.	13:10
9		BY MS. HEWITT:	13:10
10	Q	Do you remember that right now?	13:10
11		MR. FRANKLIN: Vague and ambiguous.	13:10
12		THE WITNESS: Right now, I don't remember	13:10
13		what happened on top of the bluff much, so it would	13:10
14		be hard for me to make that -- sorry.	13:10
15		BY MS. HEWITT:	13:10
16	Q	Do you recall any vandalism that day?	13:10
17	A	I don't recall vandalism on February 5th.	13:10
18	Q	Did the police escort you down the bluff	13:10
19		that day?	13:10
20	A	I don't know.	13:10
21	Q	You don't remember?	13:10
22	A	I don't remember.	13:10
23	Q	Okay. Going to February 13th, as	13:10
24		described in your complaint, why did you decide to	13:11
25		go to Lunada Bay on February 13th?	13:11

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EXHIBIT C

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

5 CORY SPENCER, an individual; DIANA)
6 MILENA REED, an individual; and)
COASTAL PROTECTION RANGERS, INC., a)
California non-profit public benefit)
7 corporation,) Case No.
8 Plaintiffs,))
9 vs.))
10 LUNADA BAY BOYS, et al.,))
11 Defendants.))

VIDEOTAPED DEPOSITION OF DIANA MILENA REED

VOLUME II

Santa Monica, California

Tuesday, October 25, 2016

24 | **REPORTED BY:**

Jimmy S. Rodriguez

CSR No. 13464

1	Q	It's F-a-l-k? Spelled F-a-l-k, Falk?	13:24
2	A	No, Fox, like the animal fox, F-o-x.	13:24
3		Yeah, Tyler Fox, he got fourth place in Mavericks, I	13:24
4		believe, this year.	13:24
5		MR. DIEFFENBACH: Thanks. That's all I	13:24
6		have, thanks.	13:24
7		MR. FIELDS: Briefly.	13:24
8		Off the record.	13:25
9		THE VIDEOGRAPHER: We are now off the	13:25
10		record. The time is 1:25 p.m.	13:25
11		(Break taken.)	13:30
12		THE VIDEOGRAPHER: We're now back on the	13:32
13		record. The time is 1:32 p.m.	13:32
14			13:32
15		EXAMINATION	13:32
16		BY MR. FIELDS:	13:32
17	Q	Good afternoon, Ms. Reed, you realize	13:32
18		you're still under oath?	13:32
19	A	Yes.	13:32
20	Q	Have you ever met Angelo Ferrara?	13:32
21	A	I don't recall if I've met him. And,	13:32
22		again, I'm not sure what you mean by "meet," do you	13:32
23		mean by seeing him?	13:32
24	Q	Let's start with that, have you ever seen	13:32
25		him?	13:32

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1	A	I'm not sure if I've seen him or not.	13:32
2	Q	If you were to walk into the room, would	13:32
3		you recognize him?	13:32
4	A	Yeah, I know what he looks like.	13:32
5	Q	What does he look like?	13:32
6	A	An older man, middle-aged man, not very	13:32
7		distinguishable, grayish hair.	13:32
8	Q	Any sense of his height?	13:32
9	A	I don't know his height.	13:32
10	Q	Do you know whether he's closer to 5-5 or	13:32
11		6-5?	13:32
12	A	I would assume that he's probably closer	13:32
13		to like 5-10 -- not 5-10, but 5-11 to six-foot, I'm	13:33
14		not sure, that's a guess.	13:33
15	Q	How do you know that anyone that you've	13:33
16		seen is Angelo Ferrara; has he ever introduced	13:33
17		himself to you?	13:33
18	A	He has not introduced himself to me.	13:33
19	Q	Has anyone pointed him out and said,	13:33
20		That's Angelo Ferrara?	13:33
21	A	I don't recall anyone doing that.	13:33
22	Q	So what makes you think that if someone	13:33
23		walked in the door you would know whether he'd be	13:33
24		Angelo Ferrara versus any other member of the human	13:33
25		race?	13:33

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1	A	I don't know, I would do my best.	13:33
2	Q	Have you ever -- have you ever personally	13:33
3		been harassed by in any manner by Angelo Ferrara?	13:33
4	A	I don't think I've had any personal	13:33
5		interactions with him that I know of.	13:33
6	Q	Have you ever heard of -- has anyone told	13:33
7		you that they either have been harassed by	13:33
8		Angelo Ferrara or have known of situations where	13:33
9		Angelo Ferrara harassed anybody?	13:34
10		MR. FRANKLIN: Vague, ambiguous.	13:34
11		THE WITNESS: I've heard various things in	13:34
12		the surf community. You know, I've also relied on	13:34
13		the investigation of my attorneys.	13:34
14		BY MR. FIELDS:	13:34
15	Q	Other than what your attorneys have told	13:34
16		you, what have you heard in the surf community about	13:34
17		what Angelo Ferrara may have done whether it's	13:34
18		harassing or assault or any type of the wrongful	13:34
19		acts alleged in the complaint?	13:34
20	A	I mean, I've talked to Charlie Ferrara and	13:34
21		I've had several conversations with him. Charlie	13:34
22		told me that the harassment has been continuing for	13:34
23		a very long time. He told me that -- that Angelo	13:34
24		and his brother were some of the original Bay Boys	13:34
25		and that they're all a family and that they're all,	13:34

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